

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS	)	
	)	
Petition for a Certificate of Public Convenience and	)	
Necessity, pursuant to Section 8-406.1 of the Illinois	)	
Public Utilities Act, and an Order pursuant to Section 8-	)	Docket No. 12-0598
503 of the Public Utilities Act, to Construct, Operate and	)	
Maintain a New High Voltage Electric Service Line and	)	
Related Facilities in the Counties of Adams, Brown,	)	
Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton,	)	
Macon, Montgomery, Morgan, Moultrie, Pike,	)	
Sangamon, Schuyler, Scott and Shelby, Illinois.	)	

**REPLY BRIEF OF INTERVENOR RURAL CLARK AND EDGAR COUNTY  
CONCERNED CITIZENS**

**COUNSEL FOR INTEREVOR:**

William F. Moran III (#06191183)  
Stratton, Giganti, Stone, Moran & Radkey  
725 South Fourth Street  
Springfield, IL 62703  
Telephone: 217/528-2183  
Facsimile: 217/528-1874  
Email: bmoran@stratton-law.com

Joseph R. Schroeder  
Bennett Schroeder & Wieck  
P.O. Box 98  
Marshall, IL 62441-0098  
Telephone: 217/826-8051  
Facsimile: 217/826-5011  
Email: jschroeder@bswlawfirm.com

Dated: June 10, 2013

## **I. INTRODUCTION**

In its initial brief, Intervenor, RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS (“RCECCC”), argues that it may be premature to issue a Certificate of Public Convenience and Necessity (“CPCN”) to Petitioner, AMEREN TRANSMISSION COMPANY OF ILLINOIS (“ATXI”), for the Kansas to Indiana State Line segment of the Illinois Rivers Project (the “Project”), as insufficient time and study went into the selection of the Rebuttal Recommended Route. (Initial Brief of Intervenor RCECCC, pp. 3-6.) The Staff has now suggested that the Commission consider excluding from any CPCN issued to ATXI the segments of the Project located immediately to the west of where the members of RCECCC reside and own property, as there has been insufficient time to study and consider logical routing alternatives. (Initial Brief of the Staff of the Illinois Commerce Commission, pp. 40-41.) In support of their suggestion, Staff mentions that ATXI is going to have to file an application for a second CPCN to complete this MISO MVP project in any regard, and the relevant development dates are not until 2018. (*Id.*) As this is predominantly a west to east project (*see*, ATXI Exhibit 2.4), it only makes sense that any final decision concerning the Kansas to Indiana State Line segment, the final leg of the Project, be withheld until the segments to the west are finalized. This is especially true because the development date for the easternmost segment of the Project, Kansas to the Indiana State Line, is not until 2019. As such, there is no pressing need for the Commission to issue a CPCN for the portion of the project crossing through Clark and Edgar Counties at this time.

Even if the Commission finds that the issuance of a CPCN for the Kansas to Indiana State Line segment of the Project is warranted, the record in this proceeding does not support the conclusion that the Rebuttal Recommended Route is the “least-cost” alternative. In fact, ATXI

still takes the position that its Primary Route through this area is “viable.” (ATXI Exhibit 13.0 (2d Rev.), p. 62; and Initial Brief of ATXI, pp. 82-83.) Further, when all eleven (11) of the “least-cost” components identified by the ALJ’s in this proceeding are considered, the First and Second Alternate Routes proposed by Intervenor, STOP THE POWER LINES (“STPL”), come to the fore, as the same take full advantage of existing power transmission line corridors in the area, where parallel right-of-ways and/or dual circuits can be utilized. AXTI has presented no quantitative data which indicates that parallel right-of-ways or dual circuits are undesirable from a cost perspective or unsafe, so the members of RCECCC would urge the Commission to find that this factor is a significant consideration. If community acceptance is found by the Commission to be a pivotal factor, STPL’s Second Alternate Route stands as the only reasonable choice, as no one has objected to its adoption. (ATXI Exhibit 13.8, Page 1.) This compares to ATXI’s Primary Route, the Rebuttal Recommended Route, and STPL’s First Alternate Route, where multiple Intervenor residents own property, and have vehemently objected to their adoption by the Commission. (*Id.*)

In sum, if a CPCN is going to be issued for the Kansas to Indiana State Line segment of the Project, the members of RCECCC would request that the Commission reject any contention that the Rebuttal Recommended Route is the “least-cost” alternative under the dictates of the statute and the considerations delineated by the ALJ’s, as the same runs through “virgin territory” which has not yet been burdened by a linear feature of the magnitude of the 345 kV transmission line being proposed by ATXI in this situation. Of the remaining alternatives, STPL’s Second Alternate Route seems by far to be the least controversial, and certainly makes sense under the criteria proposed by the ALJ’s, as the “least-cost” alternative. While the members of RCECCC continue to believe that ATXI’s Primary Route and STPL’s First

Alternate Route remain viable choices, STPL's Second Alternate Route "checks all the boxes" under the facts and law on this record, and can be adopted by the Commission without hesitation.

## **II. REQUIREMENTS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

In their initial brief, the members of RCECCC make note of the convoluted history of AXTI stipulating its support for the Rebuttal Recommended Route, just two (2) weeks prior to the start of the evidentiary hearing, and argue that the same raises questions about the sufficiency of the amount of time and study that went into the choice of routes for the Kansas to Indiana State Line portion of the Project. (Initial Brief of Intervenor RCECCC, pp. 3-6.) In their initial brief, the members of the Commission Staff make a strikingly similar argument concerning the Pana-Mt. Zion-Kansas segments of the Project, and recommend that the Commission exclude the same from any CPCN which it issues. (Initial Brief of the Staff of the Illinois Commerce Commission, pp. 40-41.) Specifically, the Staff provides,

After the filing of testimony, Staff learned that neither ATXI nor MISO considered extending 345 kV from the substation at the Kincaid Generation Plant to Mt. Zion rather than extending 345 kV south to Pana, and then back north to Mt. Zion. ATXI selected a site for its Pawnee Substation that is along the existing 345 kV transmission line connecting Pawnee to the Kincaid Generation Plant. Staff observes that an alternative that supplied a new Mt. Zion substation site from Kincaid rather than from Pana could eliminate the need for the Pawnee to Pana and the Pana to Mt. Zion 345 kV segments, and reduce the overall length of the new transmission line. ATXI Ex. 2.4 indicates ATXI's development of the Pawnee to Pana and the Mt. Zion to Kansas segments in 2018, so that ATXI's schedule for these segments would not need to be impacted if the routes were to be considered further. The development date for the Pana to Mt. Zion segment shown on ATXI Rx. 2.4 is 2016, however ATXI's exclusion of the 138 kV connections from its petition means additional CPCN proceedings will be necessary at the Commission to complete the MISO MVP project—including the 138 kV connections at Mt. Zion. Since, even if ATXI constructs a substation in the Mt. Zion area, it is still not clear to Staff that ATXI chose the best location for that substation or that there is a need to route the transmission line from Pana to Mt. Zion, Staff recommends that the Commission exclude the Pana-Mt. Zion-Kansas segments from any CPCN it grants. There is already a 345 kV line connecting Pawnee to Kincaid, and connecting Pana to Kincaid. Staff also

recommends that the Commission exclude the Pawnee-Pana segment because, if a Kincaid to Ms. Zion line can satisfy the need for a 345 kV source in the greater Decatur area at a lower cost than a Pawnee-Pana-Mt. Zion line, then the Pawnee to Pana line would not be necessary. [Citations omitted.]

*(Id.)*

Staff recommendations in this regard indicate that the routing for the two (2) segments of the Project immediately west of Clark and Edgar Counties are in an extreme state of flux. A review of ATXI's relevant exhibit demonstrates that the Project is being developed from west to east, with correlating development dates ranging from 2016 to 2019. (ATXI Exhibit 2.4.) In the case of the Kansas to Indiana State Line segment, the easternmost and final segment of the project, the development date is not for another six (6) years. *(Id.)* If the Commission adopts the Staff's recommendations for the Pawnee-Pana and Pana-Kansas segments of the line, it makes absolutely no sense to finalize the last leg of the Project where the members of RCECCC reside and own property. This is especially true because even without delays in the earlier segments of the Project, ATXI does not envision the Kansas to Indiana State Line segment being completed until 2019. As such, ATXI and MISO's MVP project will not be prejudiced in any manner if a CPCN is not issued at this time for the final leg of the Project.

### **III. OVERALL NEED FOR THE PROPOSED FACILITIES**

In their initial brief, the members of RCECCC made a number of comments and observations concerning the overall need for this project in their area. (Initial Brief of Intervenor RCECCC, pp. 6-7.) In its initial brief, ATXI provided, "The Project will also provide local voltage support to Quincy, Meredosia, Pawnee, Pana, Decatur and Champaign area loads and will reduce the exposure to dropping significant amounts of load for certain outage conditions during periods of high load demand." (Initial Brief of ATXI, p. 14.) ATXI then relates that the Project will address approximately 50 NERC Category B and 118 Category C violations

projected at 2021 load levels. (*Id.*, *citing*, ATXI Exhibits 2.0 at pp. 27-28 and 2.5-2.18.) While many of ATXI's exhibits are technical in nature, it does not appear that any of them contain evidence of any reliability increases which will affect the Kansas to Indiana State Line portion of the Project. As such, there continues to be absolutely no evidence on this record which demonstrates that the residents of Clark and Edgar Counties are in need of a 345 kV transmission line to keep the lights on in their homes, businesses and farms.

#### **IV. LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES**

In its initial brief, ATXI takes the position that the "least-cost" approach required by the statute for a CPCN includes consideration of all relevant factors, not just the simple dollar cost of the proposed project. (Initial Brief of ATXI, pp. 16, 21.) The members of RCECCC are in complete agreement with this proposition, and suggest that after applying such an analysis, the Commission will determine as a matter of fact and law that the Rebuttal Recommended Route is not the "least-cost" alternative for the Kansas to Indiana State Line portion of the Project. In fact, while the members of RCECCC will not abandon their suggestion of ATXI's Primary Route and STPL's First Alternate Route as viable alternatives, there can be little question on this record that STPL's Second Alternate Route is the most acceptable candidate under a majority, if not all of the eleven (11) factors the ALJ's have identified as relevant in this proceeding. While the members of RCECCC will certainly not repeat all of their initial arguments here, they would suggest that none of the same have been rebutted by any of the parties to this proceeding. The same being stated, the members of RCECCC will take the opportunity to address the deficiencies in the arguments presented by ATXI and some of the other Intervenors concerning the suitability of the Rebuttal Recommended Route, while touting the benefits of STPL's Second Alternate Route proposed on this record.

**G. Kansas-Indiana State Line**

As a general proposition, ATXI takes the position that the concerns of the members of RCECCC about the negative impacts of the proposed transmission line to their area can all be addressed by “detailed design of the route, construction mitigation measures, and easement and damage compensation.” (Initial Brief of ATXI, p. 79.) This argument entirely misses the point that the area inhabited by the members of RCECCC is “virgin territory” which has not yet been burdened by any similar structure or linear feature. If the line is built on the Rebuttal Recommended Route, the natural and pristine beauty of their area will forever be destroyed. Slight variations of the placement of the poles, care taken during construction, and ATXI’s money are not going to ameliorate the situation. Further, ATXI argues that the “environmental and land use impacts identified by the Allen family and the RCECCC would occur regardless of the route the Commission approves—if not them, then to someone else.” (*Id.*) In other words, what ATXI is saying that it does not matter where the Commission locates the line, as the results will be the same regardless. The members of RCECCC do not agree with this premise, and would suggest that this is the reason why all eleven (11) factors identified by the ALJ’s as important and relevant need to be reviewed in detail, prior to the Commission deciding where the line should be located. After such a review is conducted, the conclusion will be clear that the Rebuttal Recommended Route is not the “least-cost” alternative.

**1. Length of Line**

ATXI indicates that the Rebuttal Recommended Route is 33.37 miles long, while STPL’s Second Alternate Route is 33.7 miles long. (Initial Brief of ATXI, p. 81.) Mathematically, this is a difference of .33 miles or .0098% (less than 1%). Practically, this difference is the definition of *de minimus*, and is totally insignificant. Further, AXTI fails to include the affect of Dead-End

Structures in its calculation. This is why the Staff's witness, Mr. Rockrohr, determined that even though STPL's Second Alternate Route is slightly longer, it is the least-cost alternative compared to the Rebuttal Recommended Route by \$1,571,000, as it has five (5) less Dead-End Structures. (ATXI Exhibit 16.3R, p. 8; Transcript, Testimony of Greg Rockrohr, 5/13/13, pp. 232-33.) This is why Mr. Rockrohr recommended STPL's Second Alternate Route as the Staff's preferred route in this situation. (Transcript, Testimony of Greg Rockrohr, 5/13/13, p. 239.) The Staff does not change this recommendation in its initial brief. (Staff Initial Brief, pp. 34-35.)

## **2. Difficulty and Cost of Construction**

AXTI takes the position in its initial brief that STPL's Second Alternate Route may be more difficult to construct than the Rebuttal Recommended Route because of the suggestion that parallel right-of-ways be used. (Initial Brief of ATXI, pp. 81-82.) ATXI also takes the position that there is no evidence in the record that the Rebuttal Recommended Route would be difficult to construct. (*Id.*) Unfortunately, there is no substantive evidence on the record which demonstrates that utilities have problems constructing transmission lines on parallel right-of-ways. Further, ATXI or its parent company have never built a transmission line through the area inhabited by members of RCECCC, so who knows what problems may lurk in the fields, woods and home sites it proposes to traverse. On the other hand, the company has already built a line on one-half of the parallel right-of-ways, so the same are a known quantity.

The record also discloses that AXTI proposed the use of parallel right-of-ways in many of its Primary Routes, and that the Rebuttal Recommended Route for the Project is comprised of parallel right-of-ways for 19% of its entire length. (Transcript, Testimony of Donell Murphy, 5/16/13, p. 930.) It flies in the face of logic that ATXI would propose and agree to use parallel right-of-ways if the same were difficult and expensive to construct. Common sense simply



dictates that the reverse has got to be true, and the Commission should ignore ATXI's protestations to the contrary.

It should also be noted that ATXI used a majority of this section of its initial brief to comment upon the federal flood plain easement issue that has been raised concerning its Primary Route through this area by STPL. In reply, the members of RCECCC have nothing to add to the factual or legal arguments presented by the parties on this issue. This being stated, if the Commission decides this issue against STPL, and finds that the flood plain is not an impediment to the adoption of ATXI's Primary Route, the members of RCECCC will support the Commission's decision if it finds the Primary Route is the "least-cost" alternative.

Finally, the members of RCECCC would note that ATXI objects to STPL's First Alternate Route because it crosses into Indiana farther north than its proposed connection point, and as such, "it would require an Indiana utility to construct additional facilities," and as a result, "it cannot be considered a feasible route." (Initial Brief of ATXI, p. 78, Footnote 18.) While the members of RCECCC have had to concede that they are aware of no precedent which provides that the Commission has the authority to order that facilities be built in other states; ATXI has also not cited to any precedent which provides that the Commission cannot order a utility under its jurisdiction to apply for construction permits in adjoining states to compliment an Illinois project. In fact, Ms. Murphy testified that she has worked on some projects where adjoining states have cooperated with each other. (Transcript, Testimony of Donell Murphy, 5/16/13, p. 856-57.) Further, Indiana is a MISO state (*Id.*), so perhaps that organization might bring its influence to bear to make the border crossing contemplated by STPL's First Alternate Route a reality. STPL's First Alternate is certainly the shortest and most direct route to the border, so if the Commission finds that the necessity of Indiana facilities is not an impediment to the Project,

the members of RCECCC would urge the Commission to consider this alternative as a viable route on this record.

### **3. Difficulty and Cost of Operation and Maintenance**

ATXI concedes that approximately 20 miles or 60% of STPL's Second Alternate Route parallels an existing 138 kV line when it leaves the Kansas Substation heading east, at which point it turns south and joins the Rebuttal Recommended Route. (Initial Brief of ATXI, p. 80.) As such, the only real difference between the two proposals is how the same start out leaving the Kansas Substation. Without citing to specific examples or experience in the field, ATXI then posits that operations on STPL's Second Alternate Route may be more difficult "absent sufficient separation between the right-of-ways for the existing and new lines." (*Id.* at 83.) The only specificity given is that with parallel right-of-ways, "both circuits may have to be outaged to perform maintenance on either." (*Id.*) Again, this position is not consistent with the facts on this record that ATXI has proposed and agreed to build one in every five miles of the Project using parallel right-of-ways. In fact, Ameren employee, Jerry Murbarger, testified that maintenance costs depend on how difficult it is to get to a section of the relevant line, and existing roads are important, as it makes it easier to access the lines. (Transcript, Testimony of Jerry Murbarger, 5/14/13, pp. 387-88.) In this case, it stands to reason that if the existing lines were built with an emphasis on ease of maintenance, collocating these new lines now will benefit from the same accessibility. On the other hand, if the Rebuttal Recommended Route were to be adopted, the same would be blazing a trail through previously unburdened land, and accessibility would be an unknown factor. As a result, STPL's Second Alternate Route would have a clear advantage over the Rebuttal Recommended Route. The Staff, in its initial brief, agrees with this conclusion. (Staff Initial Brief, p. 35.)

#### **4. Environmental Impacts**

ATXI takes the position that there is no evidence on the record which indicates that any of the proposed routes would have a greater environmental impact than any of the other routes. (Initial Brief of ATXI, p. 84.) In reply, the members of RCECCC would direct the Commission's attention to Mr. Orin's testimony concerning the Stark and Trefz families and their stewardship of forested parcels located on the Rebuttal Recommended Route, which in the case of the Starks has been in their family since 1833. (RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶4(C).) If similar impacts existed on STPL's Second Alternate Route, the same would have been considered when the preexisting lines were approved. The Second Alternate Route joins the Rebuttal Recommended Route when it turns south, so the impacts there have to be exactly the same. As a result, the record in this case has to show that STPL's Second Alternate Route has the least amount of environmental impacts.

#### **5. Impacts on Historical Resources**

In its initial brief, ATXI concedes that there is one archeological site within the easement area of the Rebuttal Recommended Route, but vows it will work with the Illinois Historic Preservation Agency to address any related issues which may arise. (Initial Brief of ATXI, p. 84.) Again, the members of RCECCC would note that historical resources would have had to been considered when the preexisting line going east out of the Kansas Substation was built. As a result, STPL's Second Alternate Route, which parallels that preexisting line for approximately 20 miles, may not have any impact on historical resources.

#### **6. Social and Land Use Impacts**

Mr. Orin, on behalf of the members of RCECCC, provides detailed evidence concerning social and land use impacts to his members living along the Rebuttal Recommended Route,

including damage to farming operations, a home-based business, an equestrian center for children, and a grass airstrip, all along an area where there is no existing major power transmission line. (RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶4(B).) In its initial brief, ATXI provides, “The primary impact of this route [the Rebuttal Recommended Route] would be to farmland, but impacts to farmland and individual properties can be addressed through detailed design of the route, construction mitigation measures, and easement and damage compensation.” (Initial Brief of ATXI, p. 85.) This is ATXI’s standard “we can make it better” approach, which truly does not address the hardships which are going to be imposed on the members of RCECCC, if the line is built on the Rebuttal Recommended Route.

This damage to the members of RCECCC is going to be palpable, and will simply not vanish upon the receipt of a check. A significant portion of STPL’s Second Alternate Route is already burdened with an existing 138 kV power transmission line. It is interesting to note that despite receiving notice from the Commission, no one along this line going east out of the Kansas Substation filed a petition to intervene in this proceeding. (ATXI Exhibit 13.8, Page 1 of 5; and Notice, e-Docketed on 2/15/13.) As a result, the only substantive evidence about societal and land use impacts on this record comes from the members of RCECCC. Therefore, this factor truly militates against the adoption of the Rebuttal Recommended Route.

**7. Number of Affected Landowners and Other Stakeholder and Proximity to Homes and Other Structures**

Staff notes that because of the expedited schedule in this proceeding, it was not able to document a comparison of homes and structures on each alternate route. (Staff Initial Brief, p. 36.) For its part, ATXI noted that there are approximately 150 landowners with property on or within 250 feet of either side of the Rebuttal Recommended Route, while there are only 140 landowners within a similar distance of its Primary Route. (Initial Brief of ATXI, p. 85.) ATXI

further notes that neither its Primary nor the Rebuttal Recommended Route would require the displacement of any residences, while STPL's Second Alternate Route "may displace homes." (*Id.*, citing the testimony of Ms. Murphy at ATXI Ex. 13.0C (2d Rev.), p. 59.) In fact, Ms. Murphy testified that STPL's Second Alternate Route "would be located nearer to a greater number of existing residences, potentially even requiring the displacement of at least two existing residences." (ATXI Exhibit 13.0R, Lines 1260-61.) This being stated, Ms. Murphy also testified at hearing that she did not make a distinction between occupied and non-occupied residences when she made these calculations. (Transcript, Testimony of Donell Murphy, 5/16/13, p. 785.) As such, her attempted distinction may be totally speculative and meaningless. Unfortunately, because of the expedited nature of this proceeding, no one will be able to use quantitative data to make this determination. This being stated, ATXI could use detailed design of the route, construction mitigation measures, and easement and damage compensation to alleviate these potential problems on STPL's Second Alternate Route. (See, Initial Brief of ATXI, p. 85.) Therefore, this factor does not give any advantage to any of the proposed routes.

#### **8. Proximity to Existing and Planned Development**

ATXI claims that there is no evidence on the record which indicates that the Rebuttal Recommended Route is proximate to any existing or planned development. (Initial Brief of ATXI, p. 85.) This general statement of position is directly contrary to the specific evidence provided by Mr. Orin on behalf of RCECCC concerning the environmental, social and land use impacts which will be experienced by his neighbors. (RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶4(B) and (C).) The only argument ATXI can muster against STPL's Second Alternate Route is that the same is located near the planned Wabash Gas Storage Field in Edgar County. (Initial Brief of ATXI, pp. 85-86.) During her testimony at hearing, Ms. Murphy

admitted that she did not know the details about this proposed project, and that the same is not yet in existence. (Transcript, Testimony of Donell Murphy, 5/16/13, pp. 858-63.) As a result, this factor is not an impediment to STPL's Second Alternate Route being adopted by the Commission, especially in light of the specific evidence of damage to planned development presented by Mr. Orin concerning the Rebuttal Recommended Route.

#### **9. Community Acceptance**

ATXI argues that the number of Intervenor who support the Rebuttal Recommended Route "evinces that route has the widest acceptance." (Initial Brief of ATXI, p. 86.) In fact, a review of ATXI's detailed map which includes the locations of all of the properties owned by Intervenor indicates that there are a significant number of individuals who object to ATXI's Primary Route, the Rebuttal Recommended Route, and STPL's First Alternate Route. (ATXI Exhibit 13.8, Page 1 of 5.) The only route which is practically devoid of objecting Intervenor is STPL's Second Alternate Route, which has only one Intervenor owned property along its entire length. (*Id.*) This lone Intervenor is located on the portion of STPL's Second Alternate Route which is shared with the Rebuttal Recommended Route. (*Id.*) As a result, the Rebuttal Recommended Route has 18 Intervenor owned properties, while STPL's Second Alternate route only has one (1). (*Id.*) Therefore, this factor clearly supports the adoption by the Commission of STPL's Second Alternate Route.

#### **10. Visual Impact**

ATXI takes the position that visual impacts for all of the proposed routes will virtually be the same. (Initial Brief of ATXI, p. 86.) In response, the members of RCECCC would cite to the testimony of Mr. Hackman, Ameren's Director of Transmission Operations, who indicated at hearing that operating dual circuits on single poles in this area is an "acceptable combination."

(Transcript, Testimony of Jeffrey Hackman, 5/17/13, p. 992.) In its initial brief, ATXI noted that a portion of its Primary Route on the Sidney-Rising portion of the Project will be constructed on dual-circuit towers, “which will slightly increase the cost of operation and maintenance for the line.” (Initial Brief of ATXI, p. 90.) Interestingly, ATXI then goes on to state, “However, that cost is offset by the significantly lower cost of construction and other factors such as planned development.” (*Id.*) As a result, there are offsetting costs involved in the use of dual-circuit poles. On the other hand, as argued in their initial brief, the members of RCECCC would suggest that running both lines over single poles for approximately 20 miles or 60% of the entire length of the segment would certainly cut the visual impact on the surrounding community. In contrast, running any power transmission poles through the pristine area where the members of RCECCC live and own property would constitute an immediate eyesore. As a result, by choosing STPL’s Second Alternate Route, the Commission can significantly lower the visual impact that this new line is going to have on the residents and landowners on Kansas to Indiana State Line segment.

#### **11. Presence of Existing Corridors**

ATXI attempts to impugn the use of parallel right-of-ways or existing corridors in several places in its initial brief. (Initial Brief of ATXI, pp. 17, 62-63 and 86.) In response, the members of RCECCC would refer the Commission to their initial brief, where they summarized the testimony presented on this issue at hearing, where Staff’s witness, Mr. Rockrohr, and ATXI’s witnesses, Mr. Murbarger, Ms. Murphy, and Mr. Hackman, all conceded that the use of shared corridors is perfectly acceptable. (Initial Brief of Intervenor RCECCC, pp. 17-18.) Most importantly, Mr. Hackman, confirmed that approximately 70 miles of the project is now in parallel lines. (Transcript, Testimony of Jeffrey Hackman, 5/17/13, p. 973.) As argued above,

this happenstance would not be the reality if the use of parallel lines was in some manner dangerous or cost prohibitive. As a result, there can be no question on this record that existing corridors are present and should be utilized in this situation. This factor certainly supports the adoption by the Commission of STPL's Second Alternate Route.

#### **V. MANAGING AND SUPERVISING THE CONSTRUCTION PROCESS**

RCECCC has no basis with which to question the ability of ATXI to manage and supervise the construction process of the project.

#### **VI. FINANCING THE PROPOSED CONSTRUCTION**

RCECCC has no basis with which to question the ability of ATXI to finance the proposed project.

#### **CONCLUSION**

The members of RCECCC would again suggest that none of the factors detailed above support the adoption of the Rebuttal Recommended Route by the Commission, as the "least cost" alternative. Thereafter, STPL's Second Alternate Route is clearly the most appropriate, after consideration of all relevant factors, if in fact the Commission decides to issue a CPCN for the Kansas to Indiana State Line segment at this time.

Respectfully submitted,

RCECCC, Intervenor

By: /s/William F. Moran, III  
One of its attorneys



**CERTIFICATE OF SERVICE**

I, William F. Moran, III, Co-Counsel for Interveners, hereby certify that on June 10, 2013, I caused a copy of the foregoing **REPLY BRIEF OF INTERVENOR RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS** to be served by electronic mail to the individuals on the Commission's Service List for Docket No. 12-0598.

\_\_\_\_\_  
/s/ William F. Moran, III  
Co-Counsel for Interveners

**COUNSEL FOR INTERVENOR:**

William F. Moran III (#06191183)  
STRATTON, GIGANTI, STONE, MORAN & RADKEY  
725 South Fourth Street  
Springfield, IL 62703  
Telephone: 217/528-2183  
Facsimile: 217/528-1874  
Email: bmoran@stratton-law.com

Joseph R. Schroeder  
Bennett Schroeder & Wieck  
P.O. Box 98  
Marshall, IL 62441-0098  
Telephone: 217/826-8051  
Facsimile: 217/826-5011  
Email: jschroeder@bswlawfirm.com